

REMARKS

Claims 1, 80, 91, 102 and 103 have been amended.

Claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-94, 96, 97, and 99-103 are pending.

Applicants thank the Examiner for withdrawing the previous rejections under 35 U.S.C. § 102(b). See Office Action at p. 3-4.

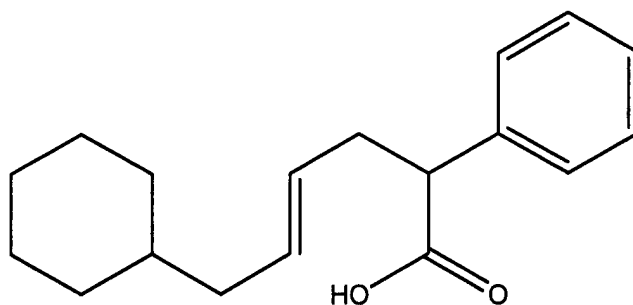
CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §102(b)

Herold

The Examiner has maintained the rejection of claims 1-5, 7, 8, 22, 25, 26, 91-94, 96, 97, and 100-103 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,010,189 to Herold et al. ("Herold")¹. See Office Action at p. 3. Claims 2-5, 7 and 8 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-86, 89 and 90 depend from independent claim 80. Claims 92-94, 96-97 and 100-101 depend from independent claim 91. Claims 102 and 103 are independent claims.

The Examiner contends that compound "6-cyclohexyl-2-phenyl-4-hexenoic acid [] is an instantly claimed compound wherein L is substituted with monocyclic aryl." See Office Action at p. 2.



6-cyclohexyl-2-phenyl-4-hexenoic acid

The Examiner further states that "[s]ince no specific double bond geometry is disclosed the Examiner assumes that both isomers are present." *Id.* In claims 1, 22, 80, 91, 102 and 103,

¹ The Examiner has indicated that claims 1-5, 7, 8, 22, 25, 26, 91-94, 96, 96 and 102 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Herold. See Office Action at p. 2. However, on p. 3 of the Office Action, the Examiner refers to claim 80 and 103. Applicants therefore assume that the previous rejection under Herold has been maintained and are responding accordingly.

when L is C, A is C₃₋₁₄ cycloalkyl, then Y₁ is not CH₂. As such, the compounds described in Herold are not within the scope of claims 1, 80, 91, 102 and 103.

With respect to claim 22, Herold describes a compound wherein if A is a aryl, Y₁ is a bond, Y₂ is a bond and L is a substituted C₁. As such, 6-cyclohexyl-2-phenyl-4-hexenoic acid is not within the scope of claim 22.

Accordingly, independent claims 1, 22, 80, 91, 102 and 103 and claims that depend therefrom are not anticipated by Herold for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Colwell

The Examiner has rejected claims 1-5, 7,8, 12, 13, 16, 17, 90-94, 96, 97 and 99-103 under 35 U.S.C. § 102(b) as being anticipated by Colwell et al., *Journal of Medicinal Chemistry*, 1968, p. 749-752 ("Colwell"). See Office Action at p. 4. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claim 90 depends from independent claim 80. Claims 92-94, 96, 97 and 99-101 depend from independent claim 91. Claims 102 and 103 are independent claims.

Specifically, the Examiner contends that the compounds "5,5-diarylpenta-2,4-dienoic acids [] correspond to instantly claimed compounds in which A is phenyl (unsubstituted or substituted with halo (Cl or F) or alkoxy(), L is a C₄ all trans diene substituted with monocyclic aryl, Y₁Y₂= a bond, X₁, X₂ =O." See Office Action at p. 4.

In claims 1, 80, 91, 102 and 103, when L is C₄ containing two double bonds, and is ω-substituted with phenyl or substituted phenyl, A is not phenyl or substituted phenyl. As such, the compounds described in Colwell are not within the scope of amended claims 1, 80, 91, 102 and 103.

Accordingly, independent claims 1, 80, 91, 102 and 103 and claims that depend therefrom are not anticipated by Colwell for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

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CONCLUSION

Applicants believe that the claims now pending are in condition for allowance. Should any fees be required by the present Amendment, the Director is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

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